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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4716 OF 2005

Jankalyan Sahakari Bank Ltd. ... Petitioner

V/s.

Ms.Asmita Sadashiv Thorat & Anr. ... Respondents

Mr.V.P. Vaidya for Petitioner
Mr.P.Deodas for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 13, 2005**

P.C.:

. The orders challenged are passed by the Labour Court and by the Industrial Court in revision. the Labour Court has found in the complaint filed under Item 1 of Schedule IV of the MRTU & PULP Act that the Petitioner had illegally discharged the services of the respondent No.1. The Labour Court has directed reinstatement with continuity of service and full backwages. This order has been confirmed in revision.

2. According to the Petitioner, the respondent was always an adhoc employee. She did not possess the requisite qualifications of having a second class in graduation and therefore, she was not entitled to reinstatement as a regular employee in the category of

clerk.

3. The Labour Court has considered the fact that some other employees who also did not obtain a second class at the graduation level have been confirmed in regular employment. However, this was done pursuant to an agreement with the representative union whereby the respondent was specifically excluded. The Labour Court in my view, incorrectly directed the regularisation of the respondent in service. The order of the Labour Court will stand modified to that extent only. The Petitioner will reinstate the respondent as an adhoc employee and pay wages accordingly.

4. Writ Petition is disposed off accordingly.